

REMARKS

Reconsideration of the present application is respectfully requested in light of the above amendments to the application and the following remarks.

Regarding the Specification

Applicant has made a minor change, as required by the Examiner, to the specification at page 7, line 10 to correct a typographical error. No new subject matter has been added.

Applicant submits herewith an Information Disclosure Statement with the appropriate fee and respectfully requests consideration of the reference cited therein.

Regarding the Claims

Claims 6, 7, 11 and 12 were previously canceled in response to the restriction requirement. Claims 1-5, 8, 9 and 10 have been canceled in the present amendment, and new Claims 13 and 14 have been added. Currently pending in the application, therefore, are Claims 13 and 14, of which Claim 13 is independent. No new matter has been added.

Claims 1-5 and 8-10 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has canceled these Claims.

Claims 1-4, 6 and 8 have been rejected under 35 U.S.C. §102(b) as being anticipated by Ross '135. Applicant has canceled these claims and submitted new Claims 13 and 14. Applicant respectfully submits that Claims 13 and 14 are distinguishable over Ross, and such reference does not anticipate the present invention.

The Examiner states that the pivotal member is considered to include a slot. The hitch assembly of Ross discloses two separate mechanisms for creating the pivot and vertical movements, namely, a sliding ring 64 which slides over the receiving tube 56 to provide vertical movement and the connection between parts 74 and 78 provide the pivoting movement over uneven terrain. In contrast, Applicant's invention uses a single pivot point within the arcuate slot to provide both pivot and limited vertical movement and limited rotational movement of the pin within the slot. In other words, Applicant's invention permits the wheels on one side of the trailer to pass over a rock or other object, transiently raising one side but not the other and causing the hitch to rotate with respect to the tongue. The arcuate slot and pin combination allows for the rotational movement, reducing stress on the parts and reducing the likelihood of breakage over time. In contrast, Ross' design allows for vertical movement, e.g., going over a speed bump with both sides of wheels at the same time, as well as side-to-side (i.e., fishtail) movement, but does not effectively alleviate the stress incurred on the joint area when going over uneven terrain.

Applicant's invention is further advantageous in that it requires fewer parts to manufacture, assemble and which can break or wear out. Because Ross uses the two structurally distinct mechanisms, Applicant respectfully submits that the present invention is not anticipated by Ross.